

AIA changed from a first-to-invent to a first-to-file basis for winning the patent. This runs counter to the American principle of a property right to one's ideas.

AIA also put the post-grant challenge process, started in 1999, on steroids. Now anyone, with or without standing, may ask the Patent Trial and Appeal Board to invalidate an issued patent, with a low burden of proof. Infringers, hedge fund sharks or anyone can bring patent holders into double-jeopardy-like patent reexamination in this quasi-judicial administrative setting. Judge Randal Rader has called the PTAB a "patent death squad" because it revokes patents 80 percent of the time.

Courts are making it harder to secure a patent, in rulings like *KSR v. Teleflex*, *Bilski v. Kappos* and *Mayo v. Prometheus*. Judicial rulings have also raised the bar for patent owners to win infringement, in such cases as *Global-Tech Appliances v. SEB*, *Abbott Labs v. Sandoz* and *Quanta Computer v. LG*.

Even if an inventor gets a patent, then proves someone is infringing the patent, courts have put permanent injunction against infringers out of reach under *eBay v. MercExchange*. A patent is supposed to ensure exclusive rights, but if you can't stop infringers from making, using or selling your invention even when you've proven IP theft, where is the private property right to exclusivity?

Agencies like the Federal Trade Commission, myopically fixated on antitrust and unproven theories of patent litigation abuse, miss the core constitutional goal of patents, namely to vest in individual inventors enforceable property rights, which include the right to sell or license that intellectual property. The FTC's recent "study" of certain patent assertion entities, or PAEs, paints with such a broad brush; it sheds little light on this area of patent litigation.

The FTC lacks sufficient data to draw conclusions, especially with an unrepresentative sample of 22 firms and no data on the potentially abusive practices of large infringers. Making sweeping policy recommendations on such a thin foundation only picks sides in a manner that hurts inventors who have no interest in setting up manufacturing plants and threatens property rights, including the right to buy or license IP.

Meanwhile, countries like China, South Korea and Taiwan take advantage of the FTC's and U.S. Justice Department's efforts to weaken the rights and remedies of American patent owners.

These foreign governments enable their countries' businesses' theft of U.S. IP. How? By depriving American firms of due process, equating exclusive patent rights with "anticompetitiveness," and running judicial proceedings based on predetermined outcomes favoring domestic players, rather than the rule of law.

In Federalist 43, Madison explained that the right to inventions belongs to their inventors, and "the claims of individuals" to their IP rights "fully [coincide]" with the "public good." The exclusive property right benefits society while inventors enjoy the fruits of their creativity. It worked exceptionally well for about 200 years.

But today, our property rights-centered patent regime is shifting. These changes to America's once-world-class patent system must be reversed and our course righted if we

are to continue as the world leader in invention and creation of new wealth.

HONORING MARCUS FAUMUI

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2016

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Marcus Faumui, whom I have named a 2016 Public Safety Hero of the Year for Contra Costa County in California's 5th Congressional District. This award is given to exceptional members of our community who perform beyond their duty as a public servant.

A native of Richmond, California, Mr. Faumui attended Contra Costa College and Los Medanos College, where he earned his A.S. in Fire Technology. He then graduated from the top of his academy class and joined the Rodeo-Hercules Fire Department, where he has made a tremendous impact in a short time.

Mr. Faumui is one of the youngest firefighters at the department, but has quickly gained the respect of his peers and community with his positive attitude and willingness to contribute in any way possible. At the department, Mr. Faumui serves as the incident photographer and collects evidence used in the peer review process. He also shares his experience as a volunteer trainer at the Los Medanos College Fire Academy and oversees the school education programs for Rodeo and Hercules students.

Mr. Speaker, I thank Mr. Faumui for his dedication to our community's safety. For this reason, it is fitting and proper that I honor him here today.

HONORING HUGH EVANS

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2016

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today to honor the life and memory of Hugh Evans, whose body will soon be interred at Arlington National Cemetery.

Hugh was a decorated veteran for his courage during the Vietnam War, receiving three Purple Hearts, a Bronze Star, and a Silver Star. After hearing his remarkable story, it's clear why. In 1968 he led a platoon through gunfire and across a mine-filled road to provide reinforcements to his fellow troops. Later that year, he was shot in each arm while directing artillery fire at a hidden enemy base camp amid gunfire and grenades. Hugh showed bravery in the face of danger, and a gentle, humble spirit around all who knew him.

After the war, Hugh had a fulfilling career as an attorney in Spokane, finding joy in his free time outdoors and with his family and his constantly growing list of friends. Hugh passed away in March, and his presence is sorely missed.

INTRODUCING THE STOP ARMING TERRORISTS ACT OF 2016

HON. TULSI GABBARD

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2016

Ms. GABBARD. Mr. Speaker, under U.S. law it is illegal for any American to provide money or assistance to al Qaeda, ISIS or other terrorist groups. If you or I gave money, weapons or support to al-Qaeda or ISIS, we would be thrown in jail.

Yet the U.S. government has been violating this law for years, quietly supporting allies and partners of al Qaeda, ISIL, Jabhat Fateh al Sham and other terrorist groups with money, weapons, and intelligence support, in their fight to overthrow the Syrian government.

The CIA has also been funneling weapons and money through Saudi Arabia, Turkey, Qatar and others who provide direct and indirect support to groups like ISIS and al-Qaeda. This support has allowed al-Qaeda and their fellow terrorist organizations to establish strongholds throughout Syria, including in Aleppo.

A recent New York Times article confirmed that "rebel groups" supported by the U.S. "have entered into battlefield alliances with the affiliate of al-Qaeda in Syria, formerly known as Al Nusra." This alliance has rendered the phrase "moderate rebels" meaningless.

Reports confirm that "every armed anti-Assad organization unit in those provinces [of Idlib and Aleppo] is engaged in a military structure controlled by [al-Qaeda's] Nusra militants."

A recent Wall Street Journal article reported that many rebel groups are "doubling down on their alliance" with al Nusra. Some rebel groups are renewing their alliance, while others, like Nour al-Din al-Zinki, a former CIA-backed group and one of the largest factions in Aleppo, are joining for the first time.

"The Syria Conquest Front—formerly known as the al Qaeda-linked Nusra Front—is deeply intermingled with armed opposition groups of all stripes across Syria's battlefields."

The CIA has long been supporting a group called Fursan al Haqq, providing them with salaries, weapons and support, including surface to air missiles. This group is cooperating with and fighting alongside an al-Qaeda affiliated group trying to overthrow the Syrian government.

The Levant Front is another so-called moderate umbrella group of Syrian opposition fighters. Over the past year, the United States has been working with Turkey to give this group intelligence support and other forms of military assistance. This group has joined forces with al-Qaeda's offshoot group in Syria.

This madness must end. We must stop arming terrorists. The Government must end this hypocrisy and abide by the same laws that apply to its' citizens.

That is why I've introduced the Stop Arming Terrorists bill—legislation based on congressional action during the Iran-Contra affair to stop the CIA's illegal arming of rebels in Nicaragua.

It will prohibit any Federal agency from using taxpayer dollars to provide weapons, cash, intelligence, or any support to al Qaeda, ISIS and other terrorist groups, and it will prohibit the government from funneling money